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VIA ECF

Hon. Denise Cote
United States District Court
Southern District of New York
500 Pearl Street, Room 1910
New York, New York 10007

Re: *United States v. Nikas, et al.*; 19 CRIM 716

Dear Judge Cote:

In anticipation of the bail hearing scheduled for today at 12:45 pm, we write to bring additional information to the Court's attention.

Several hours after the defendant filed his renewed application for bail with this Court yesterday afternoon, Judge Pauley denied the government's application to detain Bryan Cohen, an unidentified co-conspirator in the case against Mr. Lavidas, who was charged in a separate indictment (19 CRIM 741) alleging his participation in the insider trading conspiracy involving Mr. Nikas and Mr. Lavidas. Similar to Mr. Lavidas, Mr. Cohen was arrested last Friday when his indictment was unsealed. Mr. Cohen was released on bond by Magistrate Judge Aaron shortly after his arrest, and Judge Pauley affirmed this decision yesterday over the strenuous objection of the government.

The government urged Judge Pauley to detain Mr. Cohen, describing him as a significant participant in an international insider trading ring who was facing 4-5 years in prison. The government argued that:

- Mr. Cohen was a French national and not a U.S. citizen;
- France would not extradite Mr. Cohen as a French national;
- Mr. Cohen was not married, had no children, and no family members in the U.S.;
- Mr. Cohen had been put on leave by his employer and had no employment in the U.S.;
- Mr. Cohen owned no property in the U.S.;
- Mr. Cohen used "burner phones" to evade U.S. law enforcement;
- When he was arrested, \$24,000 in cash was found hidden in any eyeglasses case in a closet in Mr. Cohen's apartment; and
- Mr. Cohen also concealed hundreds of thousands of dollars of overseas assets and off-shore accounts from Pretrial Services.

Despite the fact that Mr. Cohen was a foreign national with no significant ties to the U.S., Judge Pauley held that there were conditions that could be fashioned to assure Mr. Cohen's continued appearance. Accordingly, Judge Pauley released Mr. Cohen on a \$750,000 bond to be secured by \$250,000 in cash and a \$500,000 personal recognizance bond secured by three financially responsible people. *See* 19 CRIM 714, Order, 10/22/19 (Attachment A).

Given the fact that Mr. Lavidas is a U.S. citizen with a pregnant wife, a 14-month-old child and two sisters living with him in New York, and considering Mr. Lavidas's deep family and social ties to the District, counsel would urge this Court to release Mr. Lavidas under the proposed bond conditions set forth in our application, or in the alternative, conditions similar to those imposed by Judge Pauley for his alleged co-conspirator, Mr. Cohen.

Respectfully submitted,

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